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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,557	01/04/2001	James B. Wilson	INTL-0523-US (P10882)	3714

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EXAMINER

BARNES, CRYSTAL J

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 07/02/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,557

Applicant(s)

WILSON, JAMES B.

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-9, 15-20 and 25-30 is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-13 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 4, 14 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1-30 are pending in this application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" in figure 8 has been used to designate both connection manager and service provider manager. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: reference number 96 on page 11 line 3 is not shown in figure 8.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: reference character "28" has been used to designate both connection manager and connection (see page 5 lines 15-18); reference character "24" has been used to designate both busy state on page 5 line 20 and idle state in figure 2; and

reference character "26" has been used to designate both idle state on page 5 lines 20-21, page 6 line 1 and busy state in figure 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 11, 12, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2001/0000301 A1 to Zong et al.

As per claim 1, the Zong et al. reference discloses a method comprising:
enabling a component (see [0035], "GCNAD device") to connect to a network ("Internet 12") through a software layer ("dip" utility program 40"); and using the

layer ("dip" utility program 40") to accommodate at least two different types of network connections (see [0035], "modems 18 and 19").

As per claim 2, the Zong et al. reference discloses enabling a component (see [0035], "GCNAD device") to connect to a network ("Internet 12") includes enabling a component ("GCNAD device") to connect through an interface ("modem 19") to the Internet ("Internet 12").

As per claim 11, the Zong et al. reference discloses an article comprising a medium storing instructions that enable a processor-based system to: enable a component (see [0035], "GCNAD device") to connect to a network ("Internet 12") through a software layer ("dip" utility program 40"); and use the layer ("dip" utility program 40") to accommodate at least two different types of network connections (see [0035], "modems 18 and 19").

As per claim 12, the rejection of claim 2 is incorporated and further claim 12 contains limitations recited in claim 2; therefore claim 12 is rejected under the same rationale as claim 2.

As per claim 21, the Zong et al. reference discloses a system comprising: a processor (see [0018], "central processing unit"); a network interface ("output modem") coupled to said processor ("central processing unit"); and a storage

("ROM") storing instructions that enable the system to enable a component (see [0035], "GCNAD device") to connect to a network ("Internet 12") through a software layer ("dip" utility program 40") and use the layer ("dip" utility program 40") to accommodate at least two different types of network connections (see [0035], "modems 18 and 19").

As per claim 22, the rejection of claim 2 is incorporated and further claim 22 contains limitations recited in claim 2; therefore claim 22 is rejected under the same rationale as claim 2.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2001/0000301 A1 to Zong et al. in view of admission by applicant.

As per claim 3, the Zong et al. reference discloses using the layer (see [0035], "'dip" utility program 40") to accommodate for a dial up connection ("dial out to PBX 13") and a digital subscriber line.

The Zong et al. reference does not expressly disclose a digital subscriber line.

However, applicant admits as background information that an Internet connection is typically a modem connected to an Internet service provider, a Digital Subscriber Line (DSL), a cable connection, a satellite connection, an Ethernet or a local area network (LAN) (see page 1 lines 9-12).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the dial-up and the LAN Internet connection taught by the Zong et al. reference with any other Internet connecting means as admitted by applicant.

One of ordinary skill in the art would have been motivated to apply the admission of applicant to the teachings of Zong et al. to provide a variety of protocols required to connect to the Internet.

As per claim 13, the rejection of claim 3 is incorporated and further claim 13 contains limitations recited in claim 3; therefore claim 13 is rejected under the same rationale as claim 3.

As per claim 23, the rejection of claim 3 is incorporated and further claim 23 contains limitations recited in claim 3; therefore claim 23 is rejected under the same rationale as claim 3.

Allowable Subject Matter

9. Claims 4, 14 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 5-9, 15-20 and 25-30 are allowable.

11. The following is a statement of reasons for the indication of allowable subject matter:

As per claims 5, 15 and 25, the prior art of record taken alone or in combination fail to teach discontinuing the connection when both clients have released the connection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to accessing networks in general:

USPN 5,961,608 to Onosaka et al.

USPN 6,356,622 B1 to Hassell et al.

USPN 6,418,214 B1 to Smythe et al.

USPN 6,643,262 B1 to Larsson et al.

DE 100 08 094 A1 to ALLAM

US Pub. No. 2002/0035403 A1 to Clark et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cjb
21 June 2004


Anthony Knight
Supervisory Patent Examiner
Group 3600